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EXAMINER

RAMPURIA, SHARAD K

ART UNIT PAPER NUMBER

2683

DATE MAILED: 06/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/967,241

Applicant(s)

GILBERT ET AL.

Examiner

Sharad Rampuria

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 5.10.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

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DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 1-2, 4-8, 11-15, 18-19, 21-22 & 25-27 are rejected under 35 U.S.C. 102 (e) as being anticipated by Szlam.

1. Regarding claim 1, Szlam disclosed A system for telephony call control (abstract), comprising:

- a) a call control server (225; fig.1) coupled to one of a telephone or a PBX (216; fig.1) and coupled to a wireless network (11; fig.1), said call control server having call control capabilities and wireless network communication capabilities; (col.8; 56-col.9; 10) and
- b) a hand held wireless device (10; fig.1) having wireless network communication capabilities (11; fig.1), wherein said call control server sends a message to said hand held wireless device when a call is received (col.24; 35-57) and responds to messages from said hand held wireless device for processing the call. (col.9; 47-55)

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2. Regarding claim 2, Szlam disclosed A system according to claim 1, wherein: said hand held wireless device is a personal digital assistant. (col.3; 60-65)
4. Regarding claim 4, Szlam disclosed A system according to claim 1, wherein: said call control server is a computer coupled to a telephone having CTI capabilities. (col.8; 58-65)
5. Regarding claim 5, Szlam disclosed A system according to claim 1, wherein: said call control server is a teleworking server coupled to a PBX. (col.8; 56-61)
6. Regarding claim 6, Szlam disclosed A system according to claim 1, further comprising: c) a wireless network gateway/router coupled to said call control server. (col.8; 56-61)
7. Regarding claim 7, Szlam disclosed A system according to claim 6, wherein: said wireless network gateway/router is a LAN wireless network gateway/router. (col.26; 38-47)
8. Regarding claim 8, Szlam disclosed A system according to claim 6, wherein: said wireless network gateway/router is a WAN wireless network gateway/router. (col.7; 59-65)
11. Regarding claim 11, Szlam disclosed An apparatus for use with a hand held wireless device for remote telephony call control, (abstract) comprising:

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- a) a call control server (225; fig.1) coupled to one of a telephone or a PBX (216; fig.1), said call control server having call control capabilities and wireless network (11; fig.1) communication capabilities; (col.8; 56-col.9; 10) and
- b) a wireless network gateway/router coupled to said call control server, wherein said call control server sends a message to the hand held wireless device when a call is received (col.24; 35-57) and responds to messages from the hand held wireless device for processing the call. (col.9; 47-55)

12. Regarding claim 12, Szlam disclosed An apparatus according to claim 11, wherein: said call control server is a computer coupled to a telephone having CTI capabilities. (col.8; 58-65)

13. Regarding claim 13, Szlam disclosed An apparatus according to claim 11, wherein: said server is a teleworking server coupled to a PBX. (col.8; 56-61)

14. Regarding claim 14, Szlam disclosed An apparatus according to claim 11, wherein: said wireless network gateway/router is a LAN wireless network gateway/router. (col.26; 38-47)

15. Regarding claim 15, Szlam disclosed An apparatus according to claim 11, wherein: said wireless network gateway/router is a WAN wireless network gateway/router. (col.7; 59-65)

18. Regarding claim 18, Szlam disclosed An apparatus for use with a call control server coupled to one of a telephone or a PBX and coupled to a wireless network (abstract), comprising:

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a hand held wireless device (10; fig.1) having wireless network communication capabilities (11; fig.1), wherein said hand held wireless device receives a message from the call control server when a call is received (col.24; 35-57) and responds to messages from the call control server for processing the call. (col.9; 47-55)

19. Regarding claim 19, Szlam disclosed An apparatus according to claim 18, wherein: said hand held wireless device is a personal digital assistant. (col.3; 60-65)

21. Regarding claim 21, Szlam disclosed An apparatus according to claim 18, wherein: said wireless network communication capabilities are LAN wireless network communication capabilities. (col.26; 38-47)

22. Regarding claim 22, Szlam disclosed An apparatus according to claim 18, wherein: said wireless network communication capabilities are WAN wireless network communication capabilities. (col.7; 59-65)

25. Regarding claim 25, Szlam disclosed A method for telephony call control (abstract), comprising the steps of:

- a) coupling a call control server (225; fig.1) having call control and wireless network communication capabilities to one of a telephone or a PBX (216; fig.1);
- b) coupling said call control server to a wireless network (col.8; 56-col.9; 10); and
- c) utilizing said call control server to:

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- 1) send a message to a hand held wireless device (10; fig.1) having call control capabilities and wireless network communication capabilities when a call is received; (col.24; 35-57) and
- 2) respond to messages from said hand held wireless device for processing the call. (col.9; 47-55)

26. Regarding claim 26, Szlam disclosed A method for use with a hand held wireless device for remote telephony call control (abstract), comprising the steps of:

- a) coupling a call control server (225; fig.1) having call control and wireless network communication capabilities to one of a telephone or a PBX (216; fig.1);
- b) coupling said call control server to a wireless network (col.8; 56-col.9; 10); and
- c) utilizing said call control server to:
 - 1) send a message to a hand held wireless device (10; fig.1) having call control capabilities and wireless network communication capabilities when a call is received; (col.24; 35-57) and
 - 2) respond to messages from said hand held wireless device for processing the call. (col.9; 47-55)

27. Regarding claim 27, Szlam disclosed A method for use with a call control server coupled to one of a telephone or a PBX and coupled to a wireless network (abstract), comprising the steps of utilizing said call control server to send a message to a hand held wireless device having call control capabilities and wireless network communication capabilities when a call is received (col.24; 35-57); and respond to messages from said hand held wireless device for processing the call. (col.9; 47-55)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 9-10, 16-17 & 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Szlam in view of Chow et al. (hereinafter Chow).

9. Regarding Claim 9, Szlam disclosed all the particulars of the claim except an IEEE 802.11b wireless network. However, Chow teaches in an analogous art, that A system according to claim 7, wherein: said wireless network gateway/router is an IEEE 802.11b wireless network gateway/router (IEEE 802; col.29; 47-61). Therefore, it would have been obvious to one of

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ordinary skill in the art at the time of invention to include an IEEE 802.11b wireless network in order to provide a more flexible and decentralized working environment.

10. Regarding Claim 10, Szlam disclosed all the particulars of the claim except an SMDS wireless network. However, Chow teaches in an analogous art, that An apparatus according to claim 7, wherein: said wireless network gateway/router is an SMDS wireless network gateway/router. (SMS; col.29; 47-61). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include an IEEE 802.11b wireless network in order to provide a more flexible and decentralized working environment.

16. Regarding Claim 16, Szlam disclosed all the particulars of the claim except an IEEE 802.11b wireless network. However, Chow teaches in an analogous art, that An apparatus according to claim 14, wherein: said wireless network gateway/router is an IEEE 802.11b wireless network gateway/router. (IEEE 802; col.29; 47-61). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include an IEEE 802.11b wireless network in order to provide a more flexible and decentralized working environment.

17. Regarding Claim 17, Szlam disclosed all the particulars of the claim except an SMDS wireless network. However, Chow teaches in an analogous art, that An apparatus according to claim 15, wherein: said wireless network gateway/router is an SMDS wireless network gateway/router. (SMS; col.29; 47-61). Therefore, it would have been obvious to one of ordinary

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skill in the art at the time of invention to include an IEEE 802.11b wireless network in order to provide a more flexible and decentralized working environment.

23. Regarding Claim 23, Szlam disclosed all the particulars of the claim except an IEEE 802.11b wireless network. However, Chow teaches in an analogous art, that An apparatus according to claim 21, wherein: said wireless network gateway/router is an IEEE 802.11b wireless network gateway/router. (IEEE 802; col.29; 47-61). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include an IEEE 802.11b wireless network in order to provide a more flexible and decentralized working environment.

24 Regarding Claim 24, Szlam disclosed all the particulars of the claim except an SMDS wireless network. However, Chow teaches in an analogous art, that An apparatus according to claim 22, wherein: said wireless network gateway/router is an SMDS wireless network gateway/router. (SMS; col.29; 47-61). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include an IEEE 802.11b wireless network in order to provide a more flexible and decentralized working environment.

Claims 3 & 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Szlam in view of Roeder.

3. Regarding claim 3, Szlam disclosed all the particulars of the claim except a hand held wireless device is a cell phone with computing capabilities. However, Roeder teaches in an analogous art,

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that A system according to claim 1, wherein: said hand held wireless device is a cell phone with computing capabilities. (pg.3; 0037) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include a hand held wireless device is a cell phone with computing capabilities in order to provide call forwarding features supporting in many communication systems.

20. Regarding claim 20, Szlam disclosed all the particulars of the claim except a hand held wireless device is a cell phone with computing capabilities. However, Roeder teaches in an analogous art, that An apparatus according to claim 18, wherein: said hand held wireless device is a cell phone with computing capabilities. (pg.3; 0037) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include a hand held wireless device is a cell phone with computing capabilities in order to provide call forwarding features supporting in many communication systems.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharad Rampuria whose telephone number is 703-308-4736. The examiner can normally be reached on Mon-Fri. (9:00-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 703-308-5318. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

Sharad Rampuria
June 1, 2004



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